



DEP. \$ REF
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PATENT
3191E-000019/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13/ Ref for refund

Applicant: Robert A. RIDER

Application No.: 09/785,513

Group: 2863

Filing Date: February 16, 2001

Examiner: Tung S. Lao

For: METHOD AND APPARATUS FOR TESTING BATTERIES ON A GOLF CAR

**ATTENTION: Refund Section
Accounting Division
OFFICE OF FINANCE**

Commissioner for Patents
MAIL STOP 16
Arlington, VA 22202

September 24, 2003

US PATENT & TRADEMARK
OFFICE

REQUEST FOR REFUND

Sir:

The following documentation and remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Applicant requests a refund of the three (3) month extension of time for the reply filed August 19, 2003 in connection with the above-identified patent application. Applicant requests this refund for the following reasons.

Applicant conducted an interview with the Examiner on May 22, 2003 and provided a proposed Amendment for review. At the interview, the Examiner indicated that the Amendment was favorably received but suggested

that Applicant should file a Request for Continued Examination with Amendment; instead of an after-final Response. As indicated by the attached Exhibit 1, Applicant filed an Amendment under 37 C.F.R. 1.114 on May 27, 2003, based on the results at the interview. Applicant telephoned the Examiner to confirm that he received the Amendment. However, the Examiner said that he had not yet received the Amendment. Accordingly, on June 9, 2003, Applicant re-filed the Amendment for the Request for Continued Examination, as indicated by Exhibit 2. With the second filing, Applicant attached a copy of the stamped postcard received from the United States Patent and Trademark Office dated May 27, 2003.

The next communication received by the Applicant was an Advisory Action. The Advisory Action did not indicate why the Amendment was not considered. This is attached as Exhibit 3. The Continuation page stated that the Amendment required further search and consideration, which indicates that the Examiner, for some reason, did not accept the Request for Continued Examination. However, the exact reason for this Advisory was never communicated to Applicant by the Examiner. In fact, after numerous telephone calls to the Examiner, Applicant still did not know the reason why the Amendment was not entered.

Finally, on or about August 18, 2003, Applicant telephoned the Examiner's Supervisor to inquire why this Amendment was not entered. The Supervising Examiner, after checking with the clerical staff at the United States Patent and Trademark Office, indicated that the Request for Continued

Examination Transmittal was not attached to the front of the Amendment for the Request for Continued Examination, even though the intent was clearly obvious, in light of the record, that a Request for Continued Examination was being filed with the Amendment. It was only on or about August 18, 2003 that Applicant understood exactly why the Amendment was not entered. Accordingly, on August 19, 2003, Applicant refilled, for the third time, the Request for Continued Examination with proper Transmittal Sheet and attached Amendment, as shown herein as Exhibit 4.

Applicant submits that every effort was made to file this Request for Continued Examination with the supporting Amendment during the period for response on May 27, 2003, again on June 9, 2003 and the attempts to discern exactly why the Amendment for the Request for Continued Examination was not entered was never communicated to Applicant from the United States Patent and Trademark Office. Accordingly, Applicant kindly requests that the United States Patent and Trademark Office consider Exhibits (1-4) and the above facts, and kindly refund to Applicant the third (3rd) month extension of time in the amount of Nine-Hundred And Thirty Dollars (\$930.00).

It is respectfully requested that the excess fee of \$930.00 be credited to Deposit Account No. **08-0750**.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

By: 

Matthew J. Latfig
Reg. No. 45,274
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

MJL/cng
Attachments